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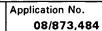
SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT		ATTORNEY DOCKET NO.
08/873,484	06/12/9	77 RAVENSCROFT	Α	94-138CON

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DATE MAILED: 06/11/98

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents



Applicant(s)

Ravenscroft

Office Action Summary

Examiner

William Lewis

Group Art Unit 3731

Responsive to communication(s) filed on Jun 12, 1997	·		
☐ This action is FINAL .			
☐ Since this application is in condition for allowance except in accordance with the practice under <i>Ex parte Quayle</i> , 19			
A shortened statutory period for response to this action is set is longer, from the mailing date of this communication. Failur application to become abandoned. (35 U.S.C. § 133). Exten 37 CFR 1.136(a).	re to respond within the period for response will cause the		
Disposition of Claims	·		
	is/are pending in the application.		
Of the above, claim(s)	is/are withdrawn from consideration.		
Claim(s)	is/are allowed.		
	is/are rejected.		
Claim(s)	is/are objected to.		
☐ Claims are subject to restriction or election requirement.			
Application Papers See the attached Notice of Draftsperson's Patent Draw The drawing(s) filed on	ected to by the Examiner. is approved disapproved. ty under 35 U.S.C. § 119(a)-(d). of the priority documents have been lumber) ne International Bureau (PCT Rule 17.2(a)).		
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-Notice of Informal Patent Application, PTO-152			

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 5,702,418. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter cited in the claims of the present application is fully disclosed in the earlier filed application and would unfairly extend the right to exclude by their allowance..

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mechanical expansible means and the balloon must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- 5. Claims 1-4, 6, 8, 12-15, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinchuk et al. (US Patent 5,700,269). Pinchuk et al. disclose a device with a ring (60)a.

Claim Rejections - 35 USC § 112

6. Claims 5, 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 5 and 11, there is no antecedent the balloon.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Lewis whose telephone number is (703) 308-0060.

WILLIAM LEWIS
PATENT EXAMINER
GROUP 3300

WL

June 7, 1998